THE HON'BLE SRI JUSTICE V.ESWARAIAH

W.P.NO.24026 OF 2005

Dt.10.11.2005

Between:

The Divisional Electrical Engineer

(Operation), M/s.A.P.C.P.D.C.Ltd. Kadiri,

Anantapur District. … Petitioner

And

The Asst.P.F.Commissioner,

O/o.Employees Provident Fund Organisation,

Cuddapah and another. … Respondents

ORDER:

Heard the learned counsel for the petitioner as well as the counsel for the respondents.

The petitioner questions the order dated 7.10.2005 of the Assistant Provident Fund Commissioner, Cuddapah under Section 7-A of the Employees Provident Funds & Miscellaneous Provisions Act, 1952 demanding to pay Rs.12,68,738/- towards employees contribution in respect of Employees Provident Fund Account.

Admittedly, an appeal lies against the said order under Section 6-I of the said Act. It is stated that even before availing the appeal remedy the first respondent is demanding to pay the said demanded amount within three days of the receipt of the proceedings.

Both the learned counsel for the petitioner as well as the respondents submit that

this Court can grant stay of the impugned order pending disposal of the appeal to be filed by the petitioner on depositing of 50% of the demanded amount.

Having regard to the facts and circumstances of the case, the petitioner is permitted to file an appeal within two weeks from the date of receipt of a copy of this order and if such an appeal is filed, there shall be stay of operation of the impugned order subject to condition that the petitioner deposits half of the demanded amount within two weeks from the date of receipt of this order.

The writ petition is accordingly disposed of. No costs.

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(V.ESWARAIAH, J.)

10.11.2005

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